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I. & F. No. 139.
Dom. No. 6874.

Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 62.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. J. T. Baker Chemical Co. Plea of non vult. Fine, $25.

MISBRANDING OF FORMALDEHYDE.

On August 25, 1913, the United States Attorney for the District of New Jersey, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the J. T. Baker Chemical Co., Phillipsburg, N. J., a corporation, alleging the shipment and delivery for shipment, on May 13, 1912, from Phillipsburg, in the State of New Jersey, to San Francisco, in the State of California, of a quantity of formaldehyde which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in bottles labeled as follows: "J. T. Baker Chemical Co., Phillipsburg, N. J. Formaldehyde. 1 lb. * * *"

Analysis of a specimen of the article in the United States Department of Agriculture showed that it consisted partially of inert substances, namely, substances other than formaldehyde, which do not prevent, destroy, repel, or mitigate insects or fungi. Misbranding of the article was alleged in the information in that it was an insecticide and fungicide, and that it consisted partially of inert substances (substances other than formaldehyde), which do not prevent, destroy, repel, or mitigate insects or fungi, and neither the names and percentage amounts of each and every one of such inert ingredients were stated on the label, nor in lieu thereof did the label bear a statement of the names and percentage amounts of each and every ingredient of the insecticide and fungicide having insecticidal or fungicidal properties and the total percentage of inert ingredients present.

The cause coming on for trial on September 15, 1913, the defendant, J. T. Baker Co., appeared and entered a plea of non vult, and the court imposed a fine of $25.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

25479°—No. 62—14

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I. & F. No. 144.
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Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 63.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. The Sherwin-Williams Co. Plea of non vult. Fine, $10.

MISBRANDING OF "SHERWIN-WILLIAMS DRY POWDERED ARSENATE OF LEAD."

On August 25, 1913, the United States Attorney for the District of New Jersey, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The Sherwin-Williams Co., Newark, N. J., a corporation, alleging the shipment and delivery for shipment, on July 24, 1912, from Newark, in the State of New Jersey, to New Orleans, in the State of Louisiana, of a quantity of a certain article called "Sherwin-Williams Dry Powdered Arsenate of Lead," which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in packages labeled as follows: "Sherwin-Williams Dry Powdered Arsenate of Lead. One pound net weight. Poison. The Sherwin-Williams Co., Insecticide and Fungicide Makers. Factories: Cleveland, Chicago, Newark, Montreal, London, Eng. Sales Offices and warehouses in principal cities. * * *"

Examination of specimens of the article showed that the package contained less than one pound net weight of the article. Misbranding of the article was alleged in the information in that it was lead arsenate, and (1) that it was labeled and branded so as to deceive and mislead the purchaser thereof, in this, that the labels on the packages bore the statement, "One pound net weight," whereas, in truth and in fact, the net weight of each package was less than one pound; and (2) that the article was in package form and the contents were stated in terms of weight, but they were not correctly

stated on the outside of the package, in this, that the label on the package bore the statement, "One pound net weight," whereas, in truth and in fact, the net weight of each package was less than one pound.

The cause coming on for trial on September 15, 1913, the defendant, the Sherwin-Williams Co., appeared and entered a plea of non vult, and the court imposed a fine of $10.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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O

I. & F. No. 160.
Dom. No. 7319.

Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 64.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. G. Hess and J. L. Clark. Plea of guilty. Fine, $10 and costs.

MISBRANDING OF "DR. HESS DIP AND DISINFECTANT."

On July 16, 1913, the United States Attorney for the Northern District of Ohio, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against G. Hess and J. L. Clark, Ashland, Ohio, trading under the firm name and style of Dr. Hess and Clark, alleging the shipment and delivery for shipment, on October 2, 1912, from Ashland, in the State of Ohio, to Portland, in the State of Maine, of a quantity of a certain product called "Dr. Hess Dip and Disinfectant," which was misbranded within the meaning of the Insecticide Act of 1910. The article was labeled and branded, in part, as follows: "One quart Dr. Hess Dip and Disinfectant * * * Manufactured by Dr. Hess & Clark, Ashland, Ohio, U. S. A. * * *"

Examination of specimens of the article in the United States Department of Agriculture showed that the package contained less than one quart of the article. Misbranding of the article was alleged in the information in that it was an insecticide, and (1) that it was labeled or branded so as to deceive or mislead the purchaser, in this, that the label on the package containing the insecticide bore the statement, "One quart Dr. Hess Dip and Disinfectant," whereas, in fact and in truth, the package contained less than one quart of said insecticide; and (2) that the contents of the package were stated in terms of measure, but the contents were not correctly stated on the outside of the package, in this, that the label on the package bore

the statement, " One quart Dr. Hess Dip and Disinfectant," whereas, in fact and in truth, the package contained less than one quart of said insecticide. It was further alleged in the information that the offense therein set forth was the second offense against the Insecticide Act by the defendants.

The cause coming on for trial on September 19, 1913, the defendants, G. Hess and J. L. Clark, appeared and entered a plea of guilty, and the court imposed a fine of $10 and costs.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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I. & F. No. 1.
Dom. No. 302.

Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 65.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. Thomsen Chemical Co. Plea of guilty. Fine, $5.

MISBRANDING OF "BORDEAUX ARSENATE OF LEAD MIXTURE."

On July 19, 1913, the United States Attorney for the District of Maryland, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Thomsen Chemical Co., Baltimore, Md., a corporation, alleging the shipment on March 2, 1911, from Baltimore, in the State of Maryland, to Asheville, in the State of North Carolina, of a quantity of a certain product called "Bordeaux Arsenate of Lead Mixture," which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in a keg labeled or branded as follows: "Thomsen Chemical Co., Manufacturing Chemists, Baltimore, Md.—Poison—Bordeaux Arsenate of Lead Mixture, Orchard Brand, 25 lbs."

Analysis and examination of the article in the United States Department of Agriculture showed that the keg in which it was packed contained less than 25 pounds of the article, and that the article contained arsenic, and consisted partially of an inert substance, water, which does not prevent, destroy, repel, or mitigate insects or fungi. Misbranding of the article was alleged in the information (1) in that it was an insecticide and fungicide, and that it was in package form and the contents of the package were stated in terms of weight on the outside of the package, but they were not correctly stated, in this, that the contents were stated to be 25 pounds, whereas, in truth and in fact, they were but 24 pounds; (2) in that the article was an

insecticide and fungicide other than Paris green or lead arsenate, and that it contained arsenic and the total amount of the arsenic content was not stated upon the label on the package; and (3) in that it was an insecticide and fungicide other than Paris green or lead arsenate, and that it consisted partially of a certain inert substance which does not prevent, destroy, repel, or mitigate insects or fungi, to wit, water, and the package did not have the name and percentage amount of said inert ingredient stated upon the label thereof, nor in lieu thereof the names and percentage amounts of each and every ingredient of said product having insecticidal or fungicidal properties, together with the total percentage of said inert ingredient present.

The cause coming on for trial on October 9, 1913, the defendant, Thomsen Chemical Co., appeared and entered a plea of guilty, and the court imposed a fine of $5.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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I. & F. No. 2.
Dom. No. 303.

Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 66.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. Thomsen Chemical Co. Plea of guilty. Fine, $5.

MISBRANDING OF "BORDEAUX MIXTURE."

On July 19, 1913, the United States Attorney for the District of Maryland, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Thomsen Chemical Co., Baltimore, Md., a corporation, alleging the shipment, on March 2, 1911, from Baltimore, in the State of Maryland, to Asheville, in the State of North Carolina, of a quantity of a certain product called "Bordeaux Mixture," which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in a keg labeled or branded as follows: "Thomsen Chemical Co., Baltimore, Md., Manufacturing Chemists—Poison—Bordeaux Mixture—Orchard Brand—50 lbs.".

Analysis and examination of the article in the United States Department of Agriculture showed that it was not Bordeaux mixture, but a mixture of Bordeaux mixture and lead arsenate; and that the keg in which it was packed contained less than 50 pounds. Misbranding of the article was alleged in the information (1) in that it was an insecticide and fungicide, and that it was labeled and branded so as to deceive and mislead the purchaser, in this, that the product was labeled and branded "Bordeaux Mixture," whereas, in truth and in fact, it was not Bordeaux mixture but was a mixture of Bordeaux mixture and lead arsenate; (2) in that the article was an insecticide and fungicide, and that it was in package form and the contents of the package were stated in terms of weight on the outside of the package, but they were not correctly stated, in this, that

the contents were stated to be 50 pounds, whereas, in truth and in fact, they were considerably less than 50 pounds; and (3) in that the article was an insecticide and fungicide other than Paris green or lead arsenate, and that it contained arsenic and the total amount of the arsenic contained was not stated on the label upon the package.

The cause coming on for trial on October 9, 1913, the defendant, Thomsen Chemical Co., appeared and entered a plea of guilty, and the court imposed a fine of $5.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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I. & F. No. 104.
Dom. No. 6722. Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 67.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. Thomsen Chemical Co. Plea of guilty. Fine, $5.

ADULTERATION AND MISBRANDING OF "ORCHARD BRAND ATOMIC SULPHUR COMBINED WITH ARSENATE OF LEAD."

On July 19, 1913, the United States Attorney for the District of Maryland, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Thomsen Chemical Co., Baltimore, Md., a corporation, alleging the shipment, on March 20, 1912, from Baltimore, in the State of Maryland, to Fort Valley, in the State of Georgia, of a quantity of a certain product called "Orchard Brand Atomic Sulphur Combined with Arsenate of Lead," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was contained in barrels labeled or branded as follows: "Thomsen Chemical Co. Baltimore, Md. Manufacturing Chemists. Guaranteed by Thomsen Chemical Company under the Insecticide Act of 1910—Serial Number 116. Active Ingredients, Sulphur (S) 40 to 50%, Arsenate Lead 12 to 15% equivalent to Metallic Arsenic (As) 1 to 2%, Soluble Arsenic (Metallic As) 0.02 to 0.10%. Inert Ingredient Water (H_2O) sufficient to keep material in smooth mass and adhesive organic material combined 40 to 50%. Orchard Brand Atomic Sulphur Combined with Arsenate of Lead A complete fungicide and insecticide * * *"

Analysis of a specimen of the article in the United States Department of Agriculture showed that it contained 34.07 per cent sulphur. Adulteration of the article was alleged in the information

in that it was an insecticide and fungicide other than Paris green or lead arsenate, and that its strength fell below the professed standard of strength under which it was sold, in this, that said product was labeled as containing from 40 to 50 per cent sulphur, which was one of its active ingredients, whereas, in truth and in fact, the sulphur content of said article was greatly less than 40 to 50 per cent, being only 34.07 per cent. Misbranding of the article was alleged in that it was an insecticide and fungicide, and (1) that the labels of the barrels containing the product bore a statement regarding the same and the ingredients and substances contained therein to the effect that said product contained 40 to 50 per cent sulphur, which was one of its active ingredients, which said statement was false and misleading in that the sulphur content of said product was greatly less than 40 to 50 per cent, being only 34.07 per cent; and (2) that it was labeled and branded so as to deceive or mislead the purchaser, in that it was labeled as containing 40 to 50 per cent sulphur, which was one of its active ingredients, which said statement was then and there false and misleading in that the sulphur content of said product was greatly less than 40 to 50 per cent, being only 34.07 per cent.

The cause coming on for trial on October 9, 1913, the defendant, Thomsen Chemical Co., appeared and entered a plea of guilty, and the court imposed a fine of $5.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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I. & F. No. 125.
Dom. No. 1452.

Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 68.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. Thomsen Chemical Co. Plea of guilty. Fine, $5.

ADULTERATION AND MISBRANDING OF "ORCHARD BRAND ARSENITE ZINC."

On July 19, 1913, the United States Attorney for the District of Maryland, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Thomsen Chemical Co., Baltimore, Md., a corporation, alleging the shipment, on May 1, 1912, from Baltimore, in the State of Maryland, to Wyoming, in the State of Delaware, of a quantity of a certain product called "Orchard Brand Arsenite Zinc," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was contained in kegs labeled or branded as follows: "Thomsen Chemical Co., Baltimore, Md., Manufacturing Chemists. Orchard Brand Arsenite Zinc. Guaranteed by Thomsen Chemical Company under the Insecticide Act of 1910—Serial number 116. Active Ingredients. Sulphur (S) 34 to 40%. Arsenite Zinc 25 to 32% equivalent to Metallic Arsenic (As) 8 to 11%. Soluble Arsenic as Metallic Arsenic (As) .08 to .04%. Inert Ingredient Water (H_2O) sufficient to keep material in smooth mass and adhesive organic material combined 42 to 52%. TCCO. Combined with Atomic Sulphur a complete Fungicide and Insecticide. * * *"

Analysis of a specimen of the article in the United States Department of Agriculture showed that it contained zinc arsenite in an amount equivalent to 5.13 per cent of metallic arsenic. Adulteration

of the article was alleged in the information in that it was an insecticide and fungicide other than Paris green or lead arsenate, and that its strength fell below the professed standard of strength under which it was sold, in this, that the product was labeled as containing zinc arsenite in amount equivalent to 8 to 11 per cent metallic arsenic, whereas, in truth and in fact, the product did not contain zinc arsenite in an amount equivalent to 8 to 11 per cent metallic arsenic, but contained an amount greatly less, to wit, an amount equivalent to 5.13 per cent metallic arsenic. Misbranding of the article was alleged in that the labels on the kegs containing the product bore a statement regarding the same and the ingredients and substances contained therein to the effect that the zinc arsenite content of the product was from 25 to 32 per cent, which in terms of metallic arsenic was equivalent to 8 to 11 per cent, which said statement was false and misleading in that the product did not contain zinc arsenite in an amount equivalent to 8 to 11 per cent, but contained an amount greatly less, to wit, an amount equivalent to approximately 5.13 per cent of metallic arsenic.

The cause coming on for trial on October 9, 1913, the defendant, Thomsen Chemical Co., appeared and entered a plea of guilty, and the court imposed a fine of $5.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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I. & F. No. 102.
Dom. No. 6720.

Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 69.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. Thomsen Chemical Co. Plea of guilty. Fine, $5.

ADULTERATION AND MISBRANDING OF "ORCHARD BRAND ATOMIC SULPHUR FUNGICIDE."

On July 19, 1913, the United States Attorney for the District of Maryland, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Thomsen Chemical Co., Baltimore, Md., a corporation, alleging the shipment, on March 20, 1912, from Baltimore, in the State of Maryland, to Fort Valley, in the State of Georgia, of a quantity of a certain product called "Orchard Brand Atomic Sulphur Fungicide," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was contained in kegs labeled or branded as follows: "Thomsen Chemical Co. Manufacturing Chemists. Baltimore, Md. Guaranteed by Thomsen Chemical Company under the Insecticide Act of 1910—Serial No. 116. Active Ingredient Sulphur (S) 45 to 55%. Inert Ingredient Water (H_2O) sufficient to keep material in smooth mass and adhesive organic material combined 45 to 55%. Orchard Brand Atomic Sulphur Fungicide. Directions. * * *"

Analysis of a specimen of the article showed that it contained approximately 40.28 per cent sulphur, and that it contained 57.35 per cent water. Adulteration of the article was alleged in that it was a fungicide, and that its strength fell below the professed standard of strength under which it was sold, in this, that the product was labeled as containing from 45 to 55 per cent sulphur, which was one of the active ingredients thereof, whereas, in truth and in fact,

it did not contain from 45 to 55 per cent sulphur but contained an amount greatly less, to wit, approximately 40.28 per cent. Misbranding of the article was alleged in that it was a fungicide, and (1) the labels on the packages bore statements regarding the article and the ingredients or substances contained therein which were false and misleading, and (2) in that the product was labeled or branded so as to deceive or mislead the purchaser, in this, that the labels on the kegs containing the product bore the statements, to wit, "Active Ingredient Sulphur (S) 45 to 55%. Inert Ingredient Water (H_2O) sufficient to keep material in smooth mass and adhesive organic material combined 45 to 55%," which said statements were false and misleading in that the sulphur content of the product was less than 45 to 55 per cent, being only 40.28 per cent, while the water content of the product was greater than 45 to 55 per cent, being 57.35 per cent.

The cause coming on for trial on October 9, 1913, the defendant, Thomsen Chemical Co., appeared and entered a plea of guilty, and the court imposed a fine of $5.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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I. & F. No. 130.
Dom. No. 5466.

Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 70.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. Fred L. Lavanburg. Plea of guilty. Fine, $25.

MISBRANDING OF LEAD ARSENATE.

On July 31, 1913, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Fred L. Lavanburg, New York, N. Y., alleging the shipment and delivery for shipment, on March 11, 1912, from New York, in the State of New York, to Chicago, in the State of Illinois, of a quantity of lead arsenate which was misbranded within the meaning of the Insecticide Act of 1910. The article was labeled, in part, as follows: "Strictly Pure Arsenate of Lead, Poison—Star Brand Manufactured by Fred L. Lavanburg, New York and Chicago. * * * Average analysis: Star Brand Arsenate of Lead: Water 50.00; Arsenic Oxide (As_2O_5) 17.36; Lead Oxide (PbO) 32.58; Chlorine .06. Guaranteed Free from any adulteration whatever. Get the Best by asking for Star Brand."

Analysis of a specimen of the article in the United States Department of Agriculture showed that it contained 12.35 per cent arsenic oxide. Misbranding of the article was alleged in the information in that it was lead arsenate, and that it was labeled so as to deceive or mislead the purchaser thereof, in this, that the label on the package bore a statement regarding the article and the substances and ingredients contained therein to the effect that the article contained 17.36 arsenic oxid (As_2O_5), which statement was false and misleading in that the article in fact contained less than 17.36 per cent arsenic oxid, and in fact contained only 12.35 per cent arsenic oxid.

The cause coming on for trial on October 14, 1913, the defendant, Fred L. Lavanburg, appeared and entered a plea of guilty, and the court imposed a fine of $25.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

25479°—No. 70—14

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I. & F. No. 147.
Dom. No. 6707. Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 71.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. The White Tar Co. Plea of guilty. Fine, $10.

MISBRANDING OF "WHITE TAR MOTH BALLS."

On July 31, 1913, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The White Tar Co., New York, N. Y., a corporation, alleging the shipment and delivery for shipment, on February 3, 1912, from New York, in the State of New York, to Tampa, in the State of Florida, of a quantity of a certain product called "White Tar Moth Balls," which was misbranded within the meaning of the Insecticide Act of 1910. The article was labeled or branded in part as follows: "'White Tar' Moth Balls. Prepared by The White Tar Co. New York. This article represents, in a concentrated form all the insecticide and antiseptic properties of coal tar from which it is prepared. * * * As a Disinfectant for Sinks, Closets and Cellars it is of high value. * * *"

Analysis and tests of specimens of the article in the United States Department of Agriculture showed that it did not represent in a concentrated form all the insecticidal and antiseptic properties of coal tar; that it was not of high value as a disinfectant for sinks, closets, and cellars; and investigation showed that the article was manufactured and produced in Belgium. Misbranding of the article was alleged in the information in that it was an insecticide, and (1) that the statement on the label regarding the article to the effect that it represented in a concentrated form all the insecticidal and

antiseptic properties of coal tar, was false and misleading in that the article did not, in fact, represent in a concentrated form all the insecticidal and antiseptic properties of coal tar; and (2) that the statement on the label regarding the article that it was of high value as a disinfectant for sinks, closets, and cellars, was false and misleading in that it was in fact not effective as a disinfectant for sinks, closets, and cellars; and (3) that it was falsely branded as to the country in which it was manufactured and produced, the article being branded as having been manufactured and produced by The White Tar Co. at the city of New York, whereas, in truth and in fact, the article was manufactured and produced in Belgium.

The cause coming on for trial on October 14, 1913, the defendant, The White Tar Co., appeared and entered a plea of guilty, and the court imposed a fine of $10.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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I. & F. No. 155.
Dom. No. 7096.

Issued February 5, 1914.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF INSECTICIDE ACT JUDGMENT NO. 72.

(Given pursuant to section 4 of the Insecticide Act of 1910.)

U. S. v. The Lewy Chemical Co. Plea of guilty. Fine, $50.

ADULTERATION AND MISBRANDING OF "PERSIAN INSECT POWDER."

On July 31, 1913, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The Lewy Chemical Co., New York, N. Y., a corporation, alleging the shipment and delivery for shipment, on July 29, 1912, from New York, in the State of New York, to Minneapolis, in the State of Minnesota, of a quantity of a certain product called "Persian Insect Powder," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was labeled or branded as follows: "Persian Insect Powder. The Lewy Chemical Co., 51 West Third Street, New York. The only reliable exterminator of Bed Bugs, Roaches, Ants and all other insects."

Examination of specimens of the article in the United States Department of Agriculture showed that it was not wholly insect powder, i. e., it did not consist of the ground flower heads of the pyrethrum plant, but consisted partially of the ground stems of the pyrethrum plant. Adulteration of the article was alleged in the information in that it was an insecticide, and (1) that it fell below the professed standard and quality, in this, that the article consisted for the most part of the ground stems of the pyrethrum plant, which substance reduced, lowered, and injuriously affected the quality and strength of the insecticide; and (2) that there was substituted in

part for the genuine article, Persian Insect Powder, another substance, to wit, the ground stems of the pyrethrum plant. Misbranding of the article was alleged in that it was an insecticide, and that it was labeled so as to deceive or mislead the purchaser thereof, in this, that the label indicated that the article was wholly Persian Insect Powder, whereas, in truth and in fact, the article was not wholly Persian Insect Powder, but consisted for the most part of the ground stems of the pyrethrum plant.

The cause coming on for trial on October 14, 1913, the defendant, The Lewy Chemical Co., appeared and entered a plea of guilty, and the court imposed a fine of $50.

B. T. Galloway,
Acting Secretary of Agriculture.

Washington, D. C., *December 19, 1913.*

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NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT OF 1910.

[Given pursuant to section 4 of the Insecticide Act of 1910.]

73. Misbranding of "Aphiscide." U. S. v. Portland Seed Co. Plea of guilty. Fine, $25. I. & F. No. 185. Dom. No. 6840.

On October 3, 1913, the United States Attorney for the District of Oregon, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Portland Seed Co., Portland, Oreg., a corporation, alleging the shipment, on May 15, 1912, from Portland, in the State of Oregon, to Vancouver, in the State of Washington, of a quantity of a certain article called "Aphiscide," which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in cans each labeled and branded, in part, as follows: "Aphiscide. Colorless. Odorless. Easily Applied. * * * Will not injure the most delicate plant. Kills aphis, green fly, thrip and all plant pests. Is the most effective insecticide known. Directions: Spray the infected plants with a plant sprinkler or tin hand-sprayer when insects appear. * * * Quality—Satisfaction—Full Value. Portland Seed Company. Guaranteed. Portland Seed Co. Portland, Oregon."

Analysis and tests of specimens of the article in the United States Department of Agriculture showed that it was composed of approximately 99 per cent water, 0.2 per cent nicotine, and 0.8 per cent total solids, so that it consisted partially of inert substances (substances other than nicotine) which do not prevent, destroy, repel, or mitigate insects, and that it was not effective against all plant pests and was not the most effective insecticide known. Misbranding of the article was alleged in the information in that it was an insecticide and (1) that it was labeled and branded so as to deceive and mislead the purchaser in this, that the label on the packages bore the statement, "Kills aphis, green fly, thrip and all plant pests," whereas, in truth and in fact, the said insecticide was not effective against all plant pests; and (2) that it was labeled and branded so as to deceive and mislead the purchaser in this, that the label on the packages bore the statement, "Is the most effective insecticide known," whereas, in truth and in fact, the said insecticide was not the most effective insecticide known; and (3) in that it was an insecticide other than Paris green and lead arsenate, and it consisted partially of inert substances which do not prevent, destroy, repel, or mitigate insects and the names and percentage amounts of the inert ingredients were not stated on the label on the packages, nor in lieu thereof were the name and percentage amount of each and every ingredient of the insecticide having insecticidal properties and the total percentage of the inert ingredients stated on the labels on the packages.

The cause coming on for trial on October 6, 1913, the defendant, the Portland Seed Co., appeared and entered a plea of guilty and the court imposed a fine of $25.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

74. Misbranding of "Plaster Paris Green Mixture." U. S. v. Southern Gypsum Co. Plea of guilty. Fine, $25. I. & F. No. 134. Dom. No. 6914.

On May 24, 1913, the United States Attorney for the Western District of Virginia, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Southern Gypsum Co., North Holston, Va., a corporation, alleging the shipment

and delivery for shipment, on March 8, 1912, from Saltville, in the State of Virginia, to Nashville, in the State of Tennessee, of a quantity of a certain article called "Plaster Paris Green Mixture," which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in sacks labeled and branded as follows: "10 lbs. Plaster Paris Green Mixture. Manufactured by Southern Gypsum Company, Incorporated. North Holston, Va."

Analysis of specimens of the article in the United States Department of Agriculture showed that it was a mixture of plaster of Paris, Paris green, sand, and calcium carbonate, and that it contained arsenic and contained arsenic in water-soluble forms. Misbranding of the article was alleged in the information in that it was an insecticide and fungicide, and it was labeled or branded so as to deceive or mislead the purchaser thereof, in this, that a pamphlet accompanying the sack containing the article contained a statement that the article was solely a mixture of plaster of Paris and Paris green, which statement was false and misleading because the article was in truth and in fact a mixture of plaster of Paris, Paris green, sand, and calcium carbonate. Misbranding was also alleged in that the article contained an arsenic compound and did not have the total percentage of arsenic present (expressed as per cent of metallic arsenic) stated on the label; and in that the article contained arsenic in water-soluble form and the percentage of arsenic in water-soluble form (expressed as per cent of metallic arsenic) was not stated on the label. Misbranding was alleged, further, in that the article consisted partially of inert substances which do not prevent, destroy, repel, or mitigate insects or fungi, to wit, plaster of Paris, sand, and calcium carbonate, and did not have the names and percentage amounts of each and every one of such inert ingredients stated on the label, nor did the label bear a statement of the names and percentage amounts of each and every ingredient of the insecticide and fungicide having insecticidal or fungicidal properties and the total percentage of inert ingredients present.

The cause coming on for trial on October 7, 1913, the defendant, the Southern Gypsum Co., appeared and entered a plea of guilty and the court imposed a fine of $25.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

75. Alleged adulteration and misbranding of "Purified Cyanide." U. S. v. Powers-Weightman-Rosengarten Co. Demurrer to information sustained. I. & F. No. 75. Dom. No. 1053.

On April 28, 1913, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Powers-Weightman-Rosengarten Co., New York, N. Y., a corporation, alleging the shipment and delivery for shipment, on August 24, 1911, from New York, in the State of New York, through the States of New Jersey and Pennsylvania, to Buffalo, in the State of New York, of a quantity of a certain article called "Purified Cyanide," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was labeled as follows: "One pound Purified Cyanide 98–99 per cent. Fused. Poison. For technical use only. Powers-Weightman-Rosengarten Co., Philadelphia. Handle carefully. Powers-Weightman-Rosengarten Co. Manufacturing Chemists, Philadelphia."

Analysis of a specimen of the article in the United States Department of Agriculture showed that it did not contain 98–99 per cent of cyanide, but was a mixture of sodium cyanide (74.79 per cent), sodium chloride, and sodium

carbonate, and that it consisted partially of inert substances, namely, sodium chloride and sodium carbonate, which do not prevent, destroy, repel, or mitigate insects or fungi. Adulteration of the article was alleged in the information in that it was an insecticide, and (1) that it was sold under the professed standard and quality of purified cyanide 98–99 per cent, when, as a matter of fact, its strength and purity fell below the said professed standard in that the insecticide was not purified cyanide and did not contain 98–99 per cent cyanide, but it was a mixture which contained only 74.79 per cent sodium cyanide, sodium chloride, and sodium carbonate; and (2) that other substances, to wit, sodium cyanide, sodium chloride, and sodium carbonate were substituted wholly for the article, purified cyanide. Misbranding of the article was alleged in that it was an insecticide, and (1) that the label regarding the article and the ingredients and substances contained therein was false and misleading, in that the article was not purified cyanide and did not contain 98–99 per cent of cyanide, but was a mixture composed of 74.79 per cent of sodium cyanide, sodium chloride, and sodium carbonate; and (2) that the article consisted in part of inert substances, to wit, sodium chloride and sodium carbonate, which do not prevent, destroy, repel, or mitigate insects or fungi, and neither the names nor percentage amounts of each and every one of the said inert ingredients were stated on the label thereof, nor were the correct names and percentage amounts of each and every ingredient having insecticidal and fungicidal properties and the total percentage of inert ingredients present stated on the label thereof.

The defendant demurred to the information on the ground that the information did not allege facts sufficient to constitute a violation of the Insecticide Act of 1910, in that it appeared on the face of the information that the alleged insecticide referred to in the information was shipped from the City of New York to another city in the State of New York, namely, Buffalo, and not from the State of New York to any other State or Territory or the District of Columbia.

On October 8, 1913, the cause coming on for hearing on the demurrer, the court sustained the demurrer in the decision as follows:

The relevant portion of the insecticide statute reads as follows:

"The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any insecticide, or Paris green, or lead arsenate, or fungicide which is adulterated or misbranded within the meaning of this act is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver, to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or any Territory of the United States any such adulterated or misbranded insecticide, or Paris green, or lead arsenate, or fungicide, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined," etc.

It is clear that under the statute to constitute guilt there must have been an *introduction* into a State, Territory, or the District of Columbia, from "any *other* State or Territory or the District of Columbia" of the misbranded or adulterated insecticide. The second clause of the language quoted declares it a misdemeanor for any person to "ship or deliver for shipment from any State * * * to any *other* State * * * any such article." As I read the statute "introduction" means a bringing into another State of the prohibited article in such a way as that it may become a part of the general property within that State. Mere passing of the goods through other States en route to the State of destina-

tion does not make them part of the general property of those States. United States *v.* Four Bottles, 90 Fed. 720.

My conclusion is that the statute was not meant to cover a shipment by a shipper who sends goods from one point to another point in the same State merely because the shipment is by a route through other States. Whether or not such a shipment is interstate commerce is not directly involved for the reason that the language of the statute does not attempt to cover a case such as we have under consideration. People v. Abramson, 208 N. Y. 138. It would also seem that the precise relationship of the carrier to such a shipment is aside from the point necessary for decision. We may assume that Congress could prohibit such a shipment as is involved herein; but it has not done so; hence the cases of Lehigh Valley *v.* Pennsylvania, 145 U. S. 192, and Ewing *v.* Leavenworth, 226 U. S. 464, and Hanley *v.* Kansas City Southern, 127 U. S. 617, have little direct application. The case of U. S. *v.* Delaware, Lackawanna & Western, 152 Fed. 270, was one where the power of Congress was involved with respect to the regulation of the conduct of railroad carriers transporting goods passing through a State en route between two points in another State.

As the indictment fails to show a shipment from one State to another, there is no offense stated. The demurrer is therefore well taken and must be sustained.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

76. Misbranding of "London Purple." U. S. v. Hemingway's London Purple Co. Plea of guilty. Sentence suspended. I. & F. No. 84. Dom. No. 1269.

On March 28, 1913, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Hemingway's London Purple Co., New York, N. Y., a corporation, alleging the shipment and delivery for shipment, on September 7, 1911, from New York, in the State of New York, to Dallas, in the State of Texas, of a quantity of a certain article called "London Purple," which was misbranded within the meaning of the Insecticide Act of 1910. The article was labeled or branded in part as follows: "Guaranteed by Hemingway's London Purple Co., Ltd., under the Insecticide Act of 1910, Serial No. 50. London Purple. Hemingway's London Purple Co. Limited, London, England. New York, U. S. A. Poison for the Potato Bug, Cotton Worm & Canker Worm. Analysis. Arsenic-Lime Compounds 70%, Dyestuffs, etc. 30%–100% Contents of combined arsenic calculated as metallic arsenic (Arsenicum (As_2) 20%. Directions. * * *"

Analysis of a specimen of the article in the United States Department of Agriculture showed that it contained arsenic-lime compounds in an amount less than 70 per cent, and that it contained dyestuffs and substances other than arsenic-lime compounds in an amount greater than 30 per cent; that it contained arsenic in water-soluble forms; and that it consisted partially of inert substances, namely, water, iron oxid, magnesium oxid, organic substances, sand, and other insoluble matter, which do not prevent, destroy, repel, or mitigate insects. Misbranding of the article was alleged in the information in that it was an insecticide, and (1) that the statement on the label regarding the substances contained in the article to the effect that the article contained 70 per cent arsenic-lime compounds was false and misleading because the article contained in fact a smaller percentage of arsenic-lime compounds; and that the statement on the label regarding the substances contained in the article to the effect that the percentage of dyestuffs and substances other than arsenic-lime compounds amounted to 30 per cent was false and misleading because the article contained dyestuffs and substances other than arsenic-lime compounds in an amount greater than 30 per cent; and (2) that it contained arsenic and the amount of arsenic in water-soluble forms (expressed as per cent of metallic

arsenic) was not stated on the label; and (3) that it consisted partially of inert substances, to wit, water, iron oxid, magnesium oxid, organic substances, sand, and other insoluble matter, which do not prevent, destroy, repel, or mitigate insects, and neither the names and percentage amounts of each and every one of said inert ingredients nor the names and percentage amounts of each and every ingredient of the insecticide having insecticidal properties and the total percentage of inert ingredients present were stated on the label.

The cause coming on for trial on October 30, 1913, the defendant, Hemingway's London Purple Co., appeared and entered a plea of guilty and the court suspended sentence.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

77. Adulteration and misbranding of Hemingway's lead arsenate. U. S. v. Hemingway's London Purple Co. Plea of guilty. Fine, $75. I. & F. No. 63. Dom. No. 6660.

On March 28, 1913, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Hemingway's London Purple Co., New York, N. Y., a corporation, alleging the shipment and delivery for shipment, on January 19, 1912, from New York, in the State of New York, to Harrisonburg, in the State of Virginia, of a quantity of a certain article called "Hemingway's Pure Lead Arsenate," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was labeled or branded in part as follows: "Guaranteed by Hemingway's London Purple Co., Ld., under the Insecticide Act of 1910. Serial No. 50. Hemingway's Pure Lead Arsenate. New York. London. * * * Analysis: Arsenic oxide 15%, Lead Oxide about 32%, Water 50%, Soluble Arsenic under ½%. Poison. 25 lbs. Net. Hemingway's Lead Arsenate conforms to the provisions of the Federal law covering the standardization of insecticides. * * *"

Analysis and examination of a specimen of the article in the United States Department of Agriculture showed that it contained more than 50 per cent water, and that the package contained less than 25 pounds of the article. Adulteration of the article was alleged in the information in that it was lead arsenate, and (1) that it contained more than 50 per centum water, and the mixture resulting from the addition of the extra water was not labeled as lead arsenate and water, nor was the percentage of extra water plainly and correctly stated on the label; and (2) that a substance other than lead arsenate, to wit, water, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength. Misbranding of the article was alleged in that it was lead arsenate, and (1) that the statement on the label that the article contained 50 per cent water was false and misleading because the article in fact contained more than 50 per cent water; and (2) that the statement on the label that the package contained 25 pounds net was false and misleading because there was in fact less than 25 pounds net of lead arsenate contained therein; and (3) that the statement on the label to the effect that the article conformed to the provisions of the Federal law covering the standardization of insecticides was false and misleading because the article in fact did not conform to the provisions of the Federal law covering the standardization of insecticides.

The cause coming on for trial on October 30, 1913, the defendant, Hemingway's London Purple Co., appeared and entered a plea of guilty and the court imposed a fine of $75.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

78. Misbranding of "Hemingway's Pure Lead Arsenate." U. S. v. Hemingway's London Purple Co. Plea of guilty. Sentence suspended. I. & F. No. 99. Dom. No. 409.

On March 28, 1913, the United States Attorney for the Southern District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Hemingway's London Purple Co., New York, N. Y., a corporation, alleging the shipment and delivery for shipment, on April 2, 1912, from New York, in the State of New York, to St. Joseph, in the State of Missouri, of a quantity of a certain article called "Hemingway's Pure Lead Arsenate," which was misbranded within the meaning of the Insecticide Act of 1910. The article was labeled or branded in part as follows: "Guaranteed by Hemingway's London Purple Co. Ld., under the Insecticide Act of 1910. Serial No. 50. Hemingway's Pure Lead Arsenate. New York. London. * * * Analysis: Arsenic Oxide 15%, Lead Oxide about 32%, Water 50%, Soluble Arsenic under ½%. * * * 25 lbs. Net."

Examination of a specimen of the article in the United States Department of Agriculture showed that the package contained less than 25 pounds of the article. Misbranding of the article was alleged in the information in that it was lead arsenate, and (1) that it was labeled so as to deceive or mislead the purchaser thereof, in this, that the label indicated that the package contained 25 pounds net of the article, whereas, in truth and in fact, the package contained a less amount, to wit, 22.02 pounds; and (2) that the article was in package form and the contents in terms of weight were not correctly stated on the label, in this, that the label indicated that the package contained 25 pounds net of the article, whereas, in truth and in fact, the package contained less than 25 pounds net and contained only 22.02 pounds net.

The cause coming on for trial on October 30, 1913, the defendant, Hemingway's London Purple Co., appeared and entered a plea of guilty and the court suspended sentence.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

79. Misbranding of "Sure Kill Poison Fly Paper." U. S. v. Frank W. Briggs and William A. Briggs. Plea of guilty. Fine, $10. I. & F. No. 38. Dom. No. 5756.

On October 22, 1913, the United States Attorney for the Western District of New York, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Frank W. Briggs and William A. Briggs, doing business under the name of F. W. Brggs & Co., Buffalo, N. Y., alleging the shipment and delivery for shipment, on April 1, 1911, from Buffalo, in the State of New York, to Indianapolis, in the State of Indiana, of a quantity of a certain article called "Sure Kill Poison Fly Paper," which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in packages each labeled and branded in part as follows: "Sure Kill Poison Fly Paper. Guaranteed by F. W. Briggs & Co., under the Insecticide Act of 1910. This package contains 64.25 grains Arsenic in solution. Guaranteed by F. W. Briggs & Co., under the Insecticide Act of 1910. Serial No. 6881."

Analysis of four packages of the article in the United States Department of Agriculture showed that the article therein contained only 26.8858, 12.1335, 39.2197, and 14.0406 grains of arsenic, respectively, all in water-soluble forms. Misbranding of the article was alleged in the information in that it was an insecticide, and the labels on each of the packages containing the same were false and misleading in that the insecticide in four packages contained, respectively, 26.8858, 12.1335, 39.2197, and 14.0406 grains of arsenic in water-soluble

forms, and not 64.25 grains arsenic in water-soluble forms as stated on the labels.

The cause coming on for trial on November 11, 1913, the defendants, Frank W. Briggs and William A. Briggs, appeared and entered a plea of guilty and the court imposed a fine of $10.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

80. Misbranding of "Creolium." U. S. v. The Capitol Food Co. Plea of guilty. Fine, $25 and costs. I. & F. No. 52. Dom. No. 1408.

On April 3, 1913, the United States Attorney for the Northern District of Ohio, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The Capitol Food Co., Tiffin, Ohio, a corporation, alleging the shipment and delivery for shipment, on August 22, 1911, from Tiffin, in the State of Ohio, to Washington, in the District of Columbia, of a quantity of a certain article called "Creolium," which was misbranded within the meaning of the Insecticide Act of 1910. The article was labeled and branded as follows: "Creolium. The Modern Sanitary Fluid. Disinfectant, Deodorizer, Antiseptic, Germicide, Cleanser. Purifies The Air. Non-Poisonous to Man or Beast. Creolium is a genuine Coal Tar and Creosote Preparation: it is one of the stongest disinfectants known. One gallon mixed with 150 gallons of water makes a strong disinfectant. Guaranteed to please. * * * Manufactured and guaranteed by The Capitol Food Co., Tiffin, Ohio."

Analysis of a specimen of the article in the United States Department of Agriculture showed that it consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects or fungi. Misbranding of the article was alleged in the information in that it was an insecticide, and that it consisted partially of an inert substance, to wit, water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of each and every ingredient of the article having insecticidal or fungicidal properties and the total percentage of inert ingredients present were stated on the label.

The cause coming on for trial on November 28, 1913, the defendant, The Capitol Food Co., appeared and entered a plea of guilty and the court imposed a fine of $25 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

Note.—As respects inert ingredients, the Insecticide Act of 1910 requires that there must appear on the label either the name and percentage amount of each inert ingredient or the name and percentage amount of each active ingredient, together with the total percentage of inert ingredients.

81. Misbranding of "Talbott's Scaly Leg Remedy." U. S. v. The W. R. Talbott Chemical Co. Plea of guilty. Fine, $25 and costs. I. & F. No. 54. Dom. No. 6667.

On April 3, 1913, the United States Attorney for the Northern District of Ohio, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The W. R. Talbott Chemical Co., Sandusky, Ohio, a corporation, alleging the shipment, on October 23, 1911, from Sandusky, in the State of Ohio, to Washington, in the District of Columbia, of a quantity of a certain article called "Talbott's Scaly Leg Remedy," which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in packages labeled and branded as follows: "Talbott's Scaly Leg Remedy 50 Cents (Representation of Fowls)

50 Cents For Scabies on Legs and Feet of Chickens, Turkeys and Pet Birds. A combined treatment consisting of an antiseptic soap for preparing a wash, and an ointment. Prepared under the Direction of Mr. Gilbert G. Rosine, B. Sc., Consulting Chemist, and Head of Laboratory, of The W. R. Talbott Chemical Co. Manufactured by The W. R. Talbott Chemical Co. Inc. Sandusky, Ohio."

Analysis of a specimen of the article in the United States Department of Agriculture showed that it consisted partially of an inert substance, namely, water, which does not prevent, destroy, repel, or mitigate insects. Misbranding of the article was alleged in the information in that it was an insecticide, and that it consisted partially of an inert substance, to wit, water, which does not prevent, destroy, repel, or mitigate insects, and neither the name and percentage amount of said inert ingredient nor the names and percentage amounts of each and every ingredient of the insecticide having insecticidal properties and the total percentage of inert ingredients present were stated on the label.

The cause coming on for trial on November 28, 1913, the defendant, The W. R. Talbott Chemical Co., entered a plea of guilty and the court imposed a fine of $25 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

82. Adulteration and misbranding of "Rexo Dip." U. S. v. The Tropical Oil Co. Plea of guilty. Fine, $25 and costs. I. & F. No. 182. Dom. No. 7014.

On November 24, 1913, the United States Attorney for the Northern District of Ohio, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The Tropical Oil Co., Cleveland, Ohio, a corporation, alleging the shipment and delivery for shipment, on February 22, 1912, from Cleveland, in the State of Ohio, to Grand Junction, in the State of Colorado, of a quantity of a certain article called "Rexo Dip," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was labeled and branded as follows: "Rexo Dip. Non-Poisonous. A Perfect Dip and Disinfectant for Horses, Cattle, Sheep, Hogs, Goats, Poultry and Household Use. Manufactured by Rexo Disinfectant Co. Cleveland, Ohio, U. S. A. Rexo Dip Will Positively Kill All Nits, Fleas, Lice, Vermin and Parasites of every Description. * * * A sample of this product has been submitted to the Department of Agriculture for examination. We guarantee the contents of this package to be of the same composition as the sample submitted to the Department, and that when diluted according to the directions printed hereon for the treatment of sheep scab it will give a dipping fluid of the composition required of a coal-tar creosote dip by the regulations of the Secretary of Agriculture governing sheep scab. Directions for Using Rexo. * * * Sheep. * * * Scab. Use Rexo in 1 part Rexo to 73 parts water. * * * Swine. * * * Cholera. Rexo will prevent cholera. Surroundings must be made sanitary, they must be thoroughly disinfected with Rexo. Add 1 part Rexo to 400 parts water in their food. * * *"

Analysis of specimens of the article in the United States Department of Agriculture showed that it was not of the same composition as that of a sample submitted by the manufacturer thereof to the United States Department of Agriculture for approval for official dipping of sheep, and that when diluted in the proportion of 1 part to 73 parts water it would not give a dipping fluid of the composition required of a coal-tar creosote dip by the regulations of the Secretary of Agriculture governing sheep scab; that the article was poisonous; that it consisted partially of an inert substance, water, which does not prevent,

destroy, repel, or mitigate insects or fungi; that the article would not kill certain species of vermin and parasites infecting domestic animals; and that the article would not prevent cholera in swine when prepared and applied according to the directions therefor on the label. Adulteration of the article was alleged in the information in that it was an insecticide other than Paris green and lead arsenate and that its strength or purity fell below the professed standard or quality under which it was sold, in this, that the label on the package containing the insecticide bore statements to the effect that a sample had been submitted to the Department of Agriculture for examination and that the contents of the package were guaranteed to be of the same composition as the sample submitted to the Department, and that when diluted in the proportion of 1 part to 73 parts water it would give a dipping fluid of the composition required of a coal-tar creosote dip by the regulations of the Secretary of Agriculture governing sheep scab; whereas, in fact and in truth, the contents of the package were not the same composition as that of the sample submitted to the United States Department of Agriculture, and when diluted in the proportion of 1 part to 73 parts water would not give a dipping fluid of the composition required of a coal-tar creosote dip by the regulations of the Secretary of Agriculture governing sheep scab. Misbranding of the article was alleged in that it was an insecticide, and (1) that the package or label thereof bore statements regarding the article which were false and misleading, and (2) that it was labeled or branded so as to deceive or mislead the purchaser thereof, (a) in this, that the label on the package containing the insecticide bore the statement, "Non-Poisonous," whereas, in fact and in truth, the article was poisonous; (b) in this, that the label on the package containing the insecticide bore statements to the effect that a sample had been submitted to the Department of Agriculture for examination, and that the contents of the package were guaranteed to be of the same composition as the sample submitted to the Department, and that when diluted in the proportion of 1 part to 73 parts water it would give a dipping fluid of the composition required of a coal-tar creosote dip by the regulations of the Secretary of Agriculture governing sheep scab; whereas, in fact and in truth, the contents of the package were not of the same composition as that of the sample submitted to the United States Department of Agriculture, and when diluted in the proportion of 1 part to 73 parts water would not give a dipping fluid of the composition required of a coal-tar creosote dip by the regulations of the Secretary of Agriculture governing sheep scab; (c) in this, that the label on the package containing the insecticide bore a statement to the effect that the article would positively kill all vermin and parasites of every description, whereas, in fact and in truth, it would not kill certain species of vermin and parasites infesting domestic animals; and (d) in this, that the label on the package containing the insecticide bore a statement to the effect that the article would prevent cholera in swine, whereas, in fact and in truth, it would not prevent cholera in swine when prepared and applied according to the directions therefor on the label. Misbranding of the article was alleged further in that it was an insecticide other than Paris green and lead arsenate, and that it consisted partially of an inert substance, to wit, water, which does not prevent, destroy, repel, or mitigate insects or fungi, and the name and percentage amount of said inert ingredient was not stated on the label on the package containing the insecticide, nor, in lieu of the name and percentage amount of the said inert ingredient, were the names and percentage amounts of each and every ingredient of the insecticide having insecticidal or fungicidal properties and the total percentage of the inert ingredient stated on the label on the package containing the insecticide.

The cause coming on for trial on November 29, 1913, the defendant, The Tropical Oil Co., appeared and entered a plea of guilty and the court imposed a fine of $25 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 28, 1914.*

83. Adulteration and misbranding of "Nico-Fume Liquid." U. S. v. Kentucky Tobacco Product Co. Plea of guilty. Fine, $10 and costs. I. & F. No. 110. Dom. No. 5260.

On September 2, 1913, the United States Attorney for the Western District of Kentucky, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Kentucky Tobacco Product Co., Louisville, Ky., a corporation, alleging the shipment and delivery for shipment, on August 18, 1911, from Louisville, in the State of Kentucky, to Baltimore, in the State of Maryland, of a quantity of a certain article called "Nico-Fume Liquid," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was contained in pint cans and one-half gallon cans. Each of the pint cans was labeled and branded in part as follows: "Nico-Fume Liquid A nicotine solution Consisting of Free Nicotine blended with Water. Active Ingredients, Nicotine 40% Inert Ingredients, 60% One Pint—Price $1.50 Original Package guaranteed to weigh not less than 1$\frac{1}{16}$ lbs. net, and to contain not less than 2975 Grains of Nicotine." Each of the one-half gallon cans was labeled and branded as set forth for the pint cans, except that the price of same was fixed at $5.50 per can instead of $1.50 per pint, and a guarantee as to weight and amount of grains of nicotine contained therein was four times that of the pint cans.

Analysis of specimens of the article in the United States Department of Agriculture showed that it contained considerably less than 40 per cent nicotine, and that it consisted partially of inert substances which do not prevent, destroy, repel, or mitigate insects. Adulteration of the article was alleged in the information in that it was an insecticide and its strength fell below the professed standard of percentage of nicotine under which it was sold, in this, that it did not contain 40 per cent nicotine as stated upon each of the cans and labels, but contained a much less percentage of nicotine than 40 per cent. Misbranding of the article was alleged in that it was an insecticide, and that the labels on the packages containing the insecticide bore a statement which was false and misleading, and that the insecticide was labeled and branded so as to deceive and mislead the purchaser thereof, in this, that the labels on each of the cans containing the insecticide bore a statement that the insecticide contained 40 per cent of nicotine, whereas, in truth and in fact, it did not contain 40 per cent of nicotine but contained much less than 40 per cent of nicotine. Misbranding of the article was alleged further in that it was an insecticide, and that it consisted partially of inert substances which do not prevent, destroy, repel, or mitigate insects, and the labels on the packages did not name and state thereon plainly and correctly the percentage amounts of each and every inert ingredient of the insecticide, and the labels did not state plainly the correct percentage amount of the ingredient of the insecticide, to wit, nicotine, which ingredient has insecticidal properties, and did not correctly state the total percentage of inert ingredients present in the insecticide.

The cause coming on for trial on December 5, 1913, the defendant, the Kentucky Tobacco Product Co., appeared and entered a plea of guilty and the court imposed a fine of $10 and costs.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 28, 1914.*

84. Adulteration and misbranding of "Fish Oil Soap." U. S. v. Roberta K. Good. Plea of guilty. Fine, $20. I. & F. No. 123. Dom. No. 6908.

On November 7, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against Roberta K. Good, Philadelphia, Pa., doing business under the name and style of James Good, alleging the shipment, on February 21, 1912, from Philadelphia, in the State of Pennsylvania, to Nashville, in the State of Tennessee, of a quantity of a certain article called "Fish Oil Soap," which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was contained in packages each labeled and branded, in part, as follows: "One Pound Fish Oil Soap (Commonly called Whale Oil Soap). * * * Guaranteed Analysis: Fish Oil 63 per cent. Actual Caustic Soda 7 per cent. * * *"

Analysis of a specimen of the article in the United States Department of Agriculture showed that it contained less than 63 per cent fish oil. Adulteration of the article was alleged in the information in that it was an insecticide, and that its strength and purity fell below the professed standard or quality under which it was sold, in this, that the insecticide in fact contained less than 63 per cent fish oil. Misbranding of the article was alleged in that it was an insecticide, and that it was labeled and branded so as to deceive or mislead the purchaser thereof, in this, that each of the packages containing the insecticide bore the statement "Guaranteed Analysis: Fish Oil 63 per cent," whereas, in truth and in fact, the insecticide contained less than 63 per cent.

The cause coming on for trial on December 8, 1913, the defendant, Roberta K. Good, appeared and entered a plea of guilty, and the court imposed a fine of $20.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

85. Misbranding of "Tough-on-Flies." U. S. v. The Crescent Chemical Co. Plea of guilty. Fine, $50 and costs. I. & F. No. 180. Dom. No. 7202.

On November 7, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The Crescent Chemical Co., Philadelphia, Pa., a corporation, alleging the shipment, on June 20, 1912, from Philadelphia, in the State of Pennsylvania, to New Orleans, in the State of Louisiana, of a quantity of a certain article contained in cans, each labeled or branded "Tough-on-Flies" and purporting to contain one quart of the article, which was misbranded within the meaning of the Insecticide Act of 1910.

Examination of specimens of the article showed that the cans contained less than one quart of the article. Misbranding of the article was alleged in the information in that it was an insecticide, and (1) that the label on each of the cans containing the same bore the statement, "Tough-on-Flies, per quart can, . . . $.50," which statement was false and misleading in that it conveyed the thought and meaning that each of the cans contained one quart of the insecticide, whereas, in truth and in fact, each of the cans did not contain one quart of the insecticide, but on the contrary contained less than one quart thereof; and (2) that the label on the outside of each of the cans bore the statement, "Tough-on-Flies, per quart can, . . . $.50," which statement purported to state the contents of the can in terms of measure, and said statement did not constitute a plain and correct statement of the contents of the cans in measure.

The cause coming on for trial on December 8, 1913, the defendant, The Crescent Chemical Co., appeared and entered a plea of guilty, and the court imposed a fine of $50 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

86. Misbranding of B. Howard Smith's "Dead Shot" Cockroach Destroyer. U. S. v. B. Howard Smith. Plea of guilty. Fine, $5 and costs. I. & F. No. 193. Dom. No. 7201.

On December 6, 1913, the United States Attorney for the Western District of Missouri, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against B. Howard Smith, Kansas City, Mo., alleging the shipment and delivery for shipment, on July 30, 1912, from Kansas City, in the State of Missouri, to New Orleans, in the State of Louisiana, of a quantity of a certain article called "B. Howard Smith's 'Dead Shot' Cockroach Destroyer," which was misbranded within the meaning of the Insecticide Act of 1910. The article was contained in packages labeled and branded in part as follows: "B. Howard Smith's 'Dead Shot' Cockroach Destroyer. * * * Made and put up only by B. Howard Smith, Kansas City, Mo. * * * This powder is manufactured and guaranteed under the Insecticide Act of Congress, of 1910. Smith's Dead Shot Cockroach Destroyer. Never Fails. Price 50¢. Put up by B. Howard Smith, sole proprietor and man'fr. Kansas City, Mo."

Analysis of a specimen of the article in the United States Department of Agriculture showed that it consisted partially of inert substances, namely, corn starch and carbon, which do not prevent, destroy, repel, or mitigate insects. Misbranding of the article was alleged in the information in that it was an insecticide other than Paris green and lead arsenate, and that it consisted partially of inert substances, to wit, corn starch and carbon, which substances do not prevent, destroy, repel, or mitigate insects, and the names and percentage amounts of each and every one of said inert ingredients were not stated on the label on the package containing the insecticide, nor, in lieu of the names and percentage amounts of said inert ingredients, were the names and percentage amounts of each and every ingredient of the insecticide having insecticidal properties and the total percentage of said inert ingredients thereof stated on the label on the package containing the insecticide.

The cause coming on for trial on December 12, 1913, the defendant, B. Howard Smith, appeared and entered a plea of guilty and the court imposed a fine of $5 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

87. Adulteration and misbranding of "Kibler's Strictly Pure Arsenate of Lead." U. S. v. Kibler-Lieber Co. Plea of guilty. Fine, $50 and costs. I. & F. No. 106. Dom. No. 207.

At the November term, 1913, of the District Court of the United States for the District of Indiana, begun and held at Indianapolis, Ind., the grand jurors of the United States within and for said district, acting upon the report of the Secretary of Agriculture, returned an indictment against the Kibler-Lieber Co., Indianapolis, Ind., a corporation, alleging the shipment and delivery for shipment, on April 4, 1912, from Indianapolis, in the State of Indiana, to St. Louis, in the State of Missouri, of a quantity of lead arsenate which was adulterated and misbranded within the meaning of the Insecticide Act of 1910. The article was contained in barrels each labeled and branded in part as follows: "The Kibler Chemical Co., Indianapolis, Ind. Kibler's Strictly Pure Arsenate of Lead. Poison. Manufactured by Kibler Chemical Co. Indianapolis, Ind. Contents of this package is guaranteed to contain not over 50% of water and to contain at least 15% arsenic oxide and not more than 3/4 of 1% of water soluble arsenic oxide, the balance being lead oxide. * * * Arsenate of Lead 600 lbs."

Analysis of a specimen of the article in the United States Department of Agriculture showed that substances, namely, lead arsenite and water-soluble salts other than lead and arsenic compounds, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, that the article contained less than 15 per cent arsenic oxide, that it contained water-soluble arsenic oxide in an amount equivalent to more than 0.75 per cent, and that the barrels did not contain 600 pounds of lead arsenate computed on the basis that the article contained not more than 50 per cent water. Adulteration of the article was alleged in the indictment in that it was lead arsenate, and its quality and strength fell below the professed standard and quality under which it was sold.[1] Misbranding of the article was alleged in that it was lead arsenate, and that the statements regarding the article, on the brands and labels on the barrels containing the same, to the effect that the article was "Strictly Pure Arsenate of Lead," and to the effect that it contained at least 15 per cent arsenic oxide and not more than three-fourths of 1 per cent of water-soluble arsenic oxide, and to the effect that each barrel contained 600 pounds net of arsenate of lead on a water basis of not over 50 per cent, were false and misleading, in this, that the article was not strictly pure arsenate of lead, but in truth and in fact was a mixture of arsenate of lead, arsenite of lead, and water-soluble salts exclusive of lead and arsenic compounds; that it in truth and in fact contained less than 15 per cent arsenic oxide; that it in truth and in fact contained more than three-fourths of 1 per cent water-soluble arsenic oxide; and that in truth and in fact the contents of each barrel did not weigh 600 pounds on a water basis of not more than 50 per cent.

The cause coming on for trial on December 16, 1913, the defendant, the Kibler-Lieber Co., appeared and entered a plea of guilty and the court imposed a fine of $50 and costs.

B. T. Galloway, *Acting Secretary of Agriculture.*

Washington, D. C., *January 28, 1914.*

88. Misbranding of "Modoc Concentrated Lime Sulphur Solution." U. S. v. The Modoc Co. Plea of nolo contendere. Fine, $10. I. & F. No. 187. Dom. No. 7367.

On December 3, 1913, the United States Attorney for the Eastern District of Pennsylvania, acting upon the report of the Secretary of Agriculture, filed information in the District Court of the United States for said district against The Modoc Co., Fernwood, Pa., a corporation, alleging the delivery for shipment on December 13, 1912, from Fernwood, in the State of Pennsylvania, to Merchantville, in the State of New Jersey, of a certain article contained in 70 barrels, each labeled or branded "Modoc Concentrated Lime Sulphur Solution," which was misbranded within the meaning of the Insecticide Act of 1910.

Analysis of a specimen of the article in the United States Department of Agriculture showed that it consisted partially of inert substances, namely, water and calcium sulphate, which do not prevent, destroy, repel, or mitigate insects or fungi. Misbranding of the article was alleged in the information in that it was an insecticide and consisted partially of inert substances, to wit, water

[1] The provision of the Insecticide Act of 1910 that an article shall be deemed to be adulterated if its strength or purity fall below the professed standard or quality under which it is sold, applies only "in the case of insecticides or fungicides other than Paris green and lead arsenate." The article in this case being lead arsenate, this provision does not apply, and the United States Attorney inadvertently erred in charging adulteration of the article in this respect. In certifying the case to the United States Attorney, however, adulteration of the article was alleged in that substances, to wit, "lead arsenite and water-soluble salts other than lead and arsenic compounds, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength."

and calcium sulphate, which inert substances were not calculated or adapted to prevent, destroy, repel, or mitigate insects or fungi, and the names and percentage amounts of the said inert ingredients were not plainly and correctly stated on the label on each of the barrels containing the insecticide, nor, in lieu thereof, were the correct names and percentage amounts of each and every ingredient of the insecticide having insecticidal or fungicidal properties and the total percentage of inert ingredients present stated on the label on each of said barrels.

The cause coming on for trial on December 23, 1913, the defendant, The Modoc Co., appeared and entered a plea of nolo contendere and the court imposed a fine of $10.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 28, 1914.*